IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

Crl.Rev.Pet.No. 1872 of 2007()

CC.75/2002 of CHIEF JUDICIAL MAGISTRATE COURT, KOZHIKODE

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REVN. PETITIONER: COMPLAINANT:

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1. O. HAREESH, S/O.GOPALAN NAIR (LATE)
   OTHAYOTH HOUSE, P.O.THALAKULATHUR,
   KOZHIKODE.

2. ROOPESH, S/O.MURALEEDHARAN,
   OTHAYOTH HOUSE, P.O.THALAKULATHUR,
   KOZHIKODE.

3. JYOTHISH, S/O.VASUDEVAN NAIR,
   OTHYOTH HOUSE, P.O.THALAKULATHUR,
   KOZHIKODE.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS: COMPLAINANT:

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1. S.I. OF POLICE, KASABA POLICE STATION,
   KOZHIKODE.

2. STATE REP.BY PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR K.S.SIVAKUMAR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 20/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Crl.R.P.No. 1872/2007

Dated this 20th day of June, 2007

O R D E R

The petitioners herein are accused Nos. 2 to 4 in C.C.No.75/2002 on the file of the C.J.M, Kozhikode. They along with the first accused were initially charge sheeted for offences punishable under Sections 408, 419, 420, 468 and 471 IPC read with Section 34 IPC. The final report was filed in the year 2002. A charge was framed by the C.J.M in terms of the final report. After five years thereafter, when the first witness for the prosecution was being examined, the Assistant Public Prosecutor in charge of the case filed Annexure-II report requesting to SPLIT the charge against the accused persons into two. Even though Annexure-II report was objected by the first accused, the Court below altered the charge by framing Annexure-IV charge, a reading of which does not make any sense. Accused Nos. 2 to 4 are ROPED in by the said charge with the aid of Section 34. Apart from the fact that the Court charge is IN vernacular, It suffers from

want of specificity and proper count for each charge. Framing of such omnibus charge by the trial Courts has been deprecated in various judicial pronouncements. Annexure-IV charge consists of one single sentence running into two pages and finally concludes by saying that all the four accused persons have committed offences punishable under Sections 408, 419, 420, 468 and 471 IPC read with Section 34 IPC. Annexure-IV charge is an apology for a charge and is not in proper form. It is accordingly set aside and the Court below shall proceed to frame charge in the case or discharge all or any of the accused, as the case may be after hearing the revision petitioners as well as the first accused and also the Assistant Public Prosecutor in charge of the case.

The Crl.R.P is disposed of as above.

V.RAMKUMAR,
JUDGE

mrcs